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September 13, 2002

RECEIVED

SEP 13 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H. Dortch, Secretary
Federal Communications Commission
236 Massachusetts Avenue, NE, Suite 110
Washington DC 20002

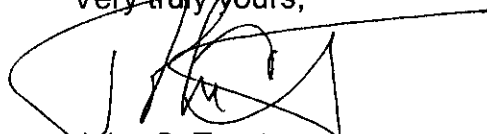
Dear Madam Secretary:

**Re: Petition for Rule Making
Glenville Radio Broadcasters
Glenville NC Channel 289A**

Transmitted herewith, on behalf of Glenville Radio Broadcasters, are an original and four copies of a **PETITION FOR RULE MAKING**, requesting the allocation of Channel 289A to Glenville, North Carolina.

Should further information be necessary regarding this submission, kindly communicate directly with this office.

Very truly yours,



John C. Trent

Enclosure

No. of Copies rec'd 014
List ABCDE
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02-235

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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SEP 13 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Amendment of

Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Glenville, North Carolina

To: Chief, Audio Division

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PETITION FOR RULE MAKING

Comes Now, **Glenville Radio Broadcasters** (hereinafter "GRB"), by Counsel and pursuant to Section 1.401 and 1.420 of the Commission's Rules, and hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments. Specifically, GRB requests that the Table of FM Allotments be amended so as to allocate Channel 289A to Glenville, North Carolina, as that community's first broadcast channel. In support of this Petition, the following is stated:

I Glenville, North Carolina is a Community in Need of a Broadcast Facility.

Glenville, North Carolina, otherwise known as Hamburg Township, is a community with a population of 1,572 persons according to the 2000 U.S. Census. Glenville has its own post office with its own zip code, 28736. Emergency services are provided by the Glenville-Cashiers Rescue Squad and by the Cashiers-Glenville Voluntary Fire Department. Glenville is a significant tourist and vacation area in the heart of the Smokey Mountains of North Carolina. Glenville is located on Lake Glenville which is the highest lake east of the Mississippi. Glenville is the destination for fishing, camping, and boating activities. In addition to numerous vacation homes, Glenville is the home to the Ralph J. Andrew Park Campground (a division of the

Jackson County Recreation/Parks Department), and the world famous Innisfree Victorian Inn and Garden House. Glenville is also the home to several businesses such as the Blue Ridge Computer Graphics, Mountain Lake Properties, Glenville Marina, and MacDonald Home Construction. Additionally, the community is served by the Hamburg Baptist Church. Local activities are held at the Glenville Community Center. Despite Glenville's status, no broadcast facilities of any type are allocated to the community. Allocation of Channel 289A would remedy this deficiency.

II Allocation of Channel 289A to Glenville, North Carolina can be accomplished in Accordance with the Commission's Technical Requirements for New Allocations.

Allocation of Channel 289A to Glenville, North Carolina can be accomplished in complete accordance with the Commission's Rules governing allocations. Specifically, as the attached study¹ demonstrates, the proposed allocation meets all spacing requirements.² In addition, as is depicted on the attached coverage map,³ city-grade coverage would be achieved over all of Glenville from the proposed reference coordinates.

III Allocation of Channel 289A to Glenville would be in the Public Interest.

The allocation of Channel 289A to Glenville would be in the public interest. The proposal would permit Glenville to receive its first local full-service broadcast facility of any type, thereby serving the highest of the Commission's allocation priorities:

[T]here are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local service is the highest of our allotment priorities which remains in any significant degree unsatisfied.

Amendment of the Commission's Rules Regarding Modification of FM and TV

¹ See Technical Statement Exhibit 1 & 2.

² The proposed reference coordinates are 35-09-38 N.L. x 83-07-28 W.L.

³ See Technical Statement Exhibit 1.

IV If Channel 289A is Allocated to Glenville, GRB Will Apply for Facilities to Operate on the Channel and, if such Application is Granted, will Construct Such Facilities.

As required by the Commission, GRB hereby commits to apply for an authorization to construct the requisite facilities on Channel 289A at Glenville if the allocation is adopted by the Commission. In addition, GRB commits to construct such facilities if awarded such construction permit.

Conclusion


As has been demonstrated above, allocation of Channel 289A to Glenville, North Carolina, would be in the public interest inasmuch as it would allow the community to enjoy its first local transmission service. Accordingly, GRB respectfully requests that the Table of FM Allotments be amended as follows:

Glenville, North Carolina	-----	289A

⁴ As the Commission explained in *Revision of FM Assignment Policies and Procedures*, the FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters (with co-equal weight being given to priorities (2) and (3)). 90 FCC 2d 88, 91 (1982).

Respectfully submitted,

GLENVILLE RADIO BROADCASTERS

A handwritten signature in black ink, appearing to be 'J. C. Trent', written over a horizontal line.

By: _____
John C. Trent
Its Attorney

September 13, 2002

Law Offices

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PETITION FOR RULE MAKING
GLENVILLE RADIO BROADCASTERS
ALLOT CHANNEL 289A
GLENVILLE, NORTH CAROLINA
September 2002

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Glenville Radio Broadcasters ("GRB"). GRB herein proposes an amendment to §73.202(b) of the Commission's rules by allotting Channel 289A to Glenville, North Carolina, as that community's first local FM service.¹ Glenville is located in Jackson County, North Carolina. According to the U.S. Census, Glenville/Hamburg Township has a population of 1,572 persons.²

DISCUSSION

2. Channel 289A can be allotted to Glenville, North Carolina, at reference coordinates North Latitude 35° 09' 38" and West Longitude 83° 07' 28". This represents a site restriction 1.0 kilometer southeast of the community to avoid shortspacing WSEV-FM, Channel 288A, Gatlinburg, Tennessee. Attached as Exhibit #1 is a map which shows where a transmitter site for Channel 289A at Glenville, North Carolina, can be located. Attached as Exhibit #2 is a §73.207 spacing analysis demonstrating that Channel 289A at the proposed reference site meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities. From the proposed reference site, a 70 dBu (3.16 mV/m) contour will be delivered to all of Glenville.

1) Glenville is also known as Hamburg Township.

2) 2000 Census data.

3. Therefore, GRB herein requests the following change to the Table of Allotments:

Glenville, North Carolina

Present	Proposed
None	289A

PUBLIC INTERESTS

4. The allotment of Channel 289A will provide Glenville with its first local licensable FM station. From the proposed reference site, the Channel 289A allotment will provide service to 54,032 persons in 2,516.1 square kilometers.³ Once Channel 289A is allotted to Glenville, North Carolina, GRB will submit its continuing expression of interest or other necessary filing requesting a permit to construct a new FM station on Channel 289A at Glenville, North Carolina.

5. The foregoing was prepared on behalf of Glenville Radio Broadcasters, by Graham Brock, Inc., its Technical Consultants. All data relating to FM facilities was extracted from the CDBS database. We assume no liability for errors or omissions in that database, which may be adverse to the requests contained herein.

3) This is based on a service radius of 28.3 kilometers from the reference site (no terrain variations).

Graham Brock, Inc. - Broadcast Technical Consultants

CLASS A CITY GRADE LIMIT

WZNY LIMIT

WFMX LIMIT

WNGC LIMIT

USABLE AREA

WSEV-FM LIMIT

WMXV LIMIT

Reference Site

Latitude: 35-09-38 N

Longitude: 083-07-28 W

Channel: 289A

Frequency: 105.7 MHz

Prop Model: None

EXHIBIT #1

PETITION FOR RULE MAKING

GLENVILLE RADIO BROADCASTERS

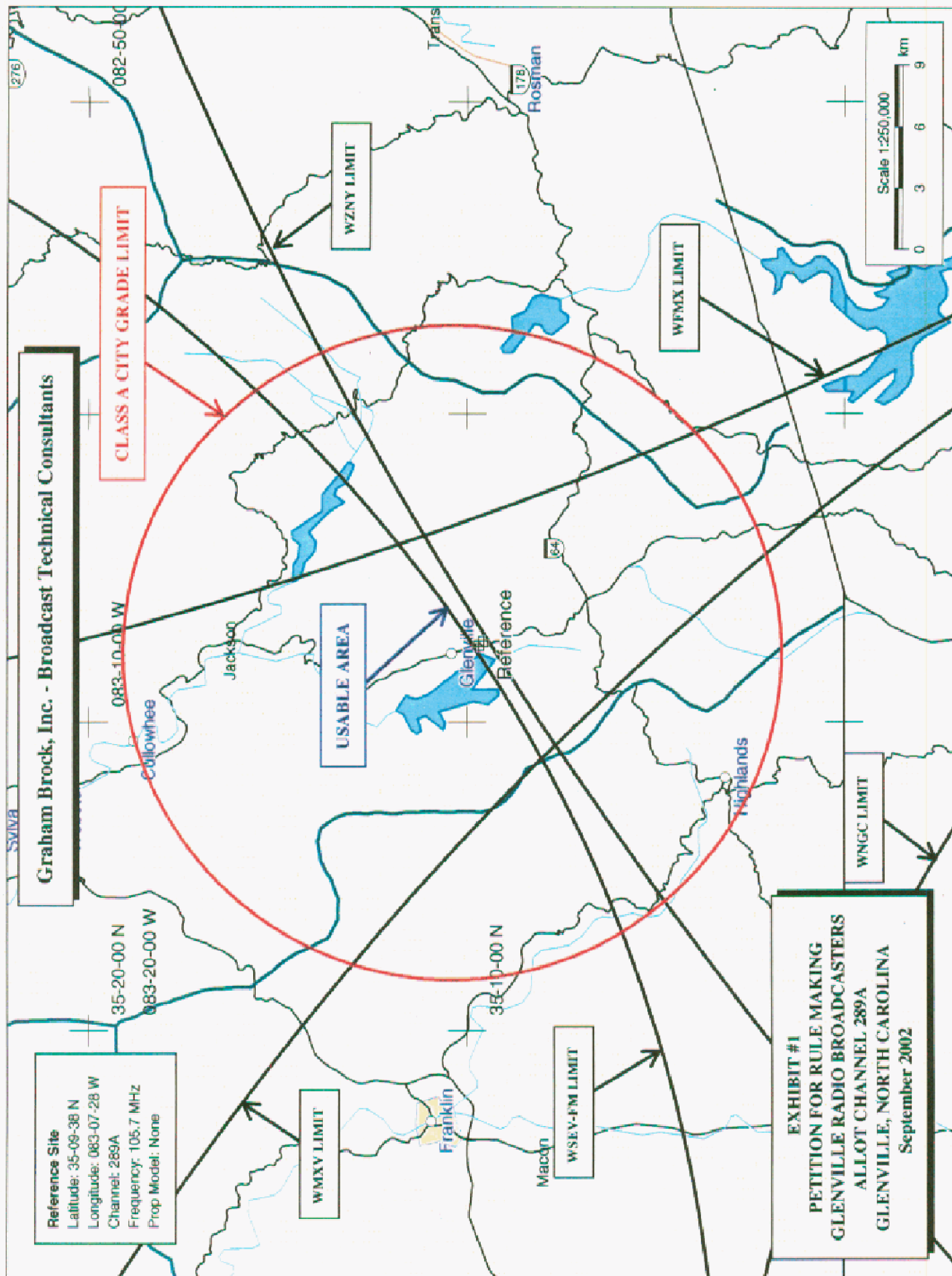
ALLOT CHANNEL 289A

GLENVILLE, NORTH CAROLINA

September 2002

Scale 1:250,000

0 3 6 9 km



PETITION FOR RULE MAKING
GLENVILLE RADIO BROADCASTERS
ALLOT CHANNEL 289A
GLENVILLE, NORTH CAROLINA
September 2002

EXHIBIT #2

ALLOCATION STUDY FOR GLENVILLE, NORTH CAROLINA
 USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE		DISPLAY DATES
35 09 38 N	CLASS A	DATA 09-06-02
83 07 28 W	Current rules spacings	SEARCH 09-10-02
----- CHANNEL 289 -105.7 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
ADD	289A	Glenville	NC	0.0	0.00	115.0	-115.00
	35 09 38	83 07 28	0.000 kW	0M	0.0	71.4	
> Proposed Rule Making							
WSEVFM	288A	Gatlinburg	TN	326.6	72.36	72.0	0.36
LIC CN	35 42 13	83 33 57	0.530 kW	322M	45.0	44.8	
	East Tennessee Radio Group			BLH19911206KC			
WZNY	289C	Augusta	GA	148.2	226.40	226.0	0.40
LICNCN	33 25 15	81 50 19	100.000 kW	371M	140.7	140.5	
	Capstar TX Limited Partnership			BLH19981209KA			
WFMX	289C	Statesville	NC	70.5	231.94	226.0	5.94
LIC CN	35 49 55	80 42 13	100.000 kW	462M	144.1	140.5	
	Mercury Broadcasting Company			BLH19871007KA			
WMXV	289C2	Canton	GA	225.3	172.13	166.0	6.13
LICNCN	34 03 55	84 27 14	16.500 kW	252M	107.0	103.2	
	Cherokee Broadcasting Co., Inc.			BLH20000418AAV			
WNGC.C	291C1	Toccoa	GA	209.3	99.58	75.0	24.58
CP CN	34 22 40	83 39 25	100.000 kW	299M	61.9	46.6	
	Southern Broadcasting Of Pens.			BPH20000911AAR			
WNGC	291C1	Toccoa	GA	209.3	99.58	75.0	24.58
LIC C	34 22 40	83 39 25	100.000 kW	299M	61.9	46.6	
	Southern Broadcasting Of Pens.			BLH20000911ACX			
WAGIFM	287C	Gaffney	SC	76.4	125.99	95.0	30.99
LIC CN	35 25 05	81 46 32	100.000 kW	363M	78.3	59.0	
	Gaffney Broadcasting, Inc.			BLH19790123AD			
WHEL	286A	Helen	GA	230.4	71.65	31.0	40.65
LICZCN	34 44 55	83 43 43	1.700 kW	187M	44.5	19.3	
	Citicasters Licenses, Inc.			BLH19931210KB			
ALLO	292A	Pigeon Forge	TN	330.3	72.35	31.0	41.35
VAC	35 43 33	83 31 18	0.000 kW	0M	45.0	19.3	
				RM9989			
WOFEFM	289A	Rockwood	TN	299.0	164.11	115.0	49.11
LICNCN	35 51 55	84 42 54	0.930 kW	255M	102.0	71.5	
	P & G Properties Inc.			BLH19941028KC			

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

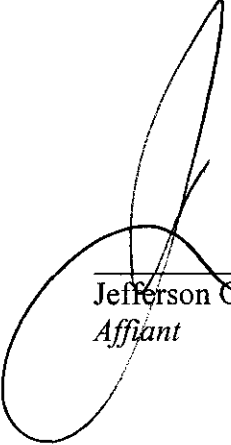
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Glenville Radio Broadcasters to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

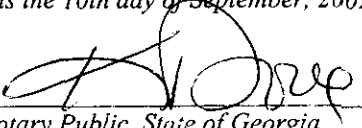
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 10th day of September, 2002.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 10th day of September, 2002.*



Notary Public, State of Georgia
My Commission Expires: April 16, 2006